

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,  
Plaintiff,

v.

C.K. PLILER et al.,  
Defendants.

No. 04-cv-1183 TLN DAD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983.

On January 26, 2009, defendants filed a motion for summary judgment. (Doc. No. 47) On June 11, 2009, the undersigned issued findings and recommendations, recommending that defendants' motion be granted in part and denied in part. (Doc. No. 55) The district judge assigned to this case at the time conducted a de novo review of the case and noted that the Ninth Circuit Court of Appeals had reversed this court's decision in Norwood v. Vance, No. 2:03-cv-2554 GEB GGH, on which the undersigned had relied on in issuing the pending findings and recommendations. (Id.) The plaintiff in Norwood had sought rehearing en banc, and the Ninth Circuit directed appellants to file a response. (Id.) Because the decision in Norwood was clearly relevant to the resolution of part of this action, the assigned district judge stayed the case. (Id.)

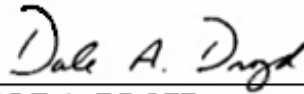
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1 On December 17, 2012, the court lifted the stay of this action because the Ninth Circuit had  
2 decided the motion for rehearing that had been filed in Norwood. (Doc. No. 63)

3 In light of the Ninth Circuit's decision in Norwood and the passage of time since the court  
4 issued its findings and recommendations, the court will direct the parties to file supplemental  
5 briefing with respect to their position on the application of the decision in Norwood to this case as  
6 well as their positions with respect to defendants' motion for summary judgment generally.  
7 Thereafter, the undersigned will issue amended findings and recommendations on defendants'  
8 motion for summary judgment.

9 Accordingly, IT IS HEREBY ORDERED that within forty-five days of the date of this  
10 order, the parties shall file supplemental briefs addressing the application of the decision in  
11 Norwood to this case and their positions with respect to defendants' motion for summary  
12 judgment generally.

13 Dated: August 20, 2015

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15 DALE A. DROZD  
16 UNITED STATES MAGISTRATE JUDGE

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